

**TOWN OF ELSMERE  
BOARD OF ADJUSTMENTS  
MEETING MINUTES**

**May 26, 2009  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE:**

**CALL TO ORDER:**

**ROLL CALL:**

Board Member Robert Husfelt – Absent  
Board Member James Personti – Present  
Board Member John Smith – Present  
Board Member Thomas Manuel – Present  
Chairman Paul Chalfant – Present

**OLD BUSINESS:**

The Board of Adjustment Reviewed Petition 09-03 tax parcel number 1900-400-270 known as 204 Bungalow Ave.

Mr. Charles Phillips presented his application for appeal of citation number 09-03-0011 regarding junk and debris in his rear yard. He stated that he has spent a significant amount of time in the veterans' hospital. Mr. Phillips also stated that he has been working on the property and removing things.

Chairman Chalfant asked Officer Keith Brown had photographs documenting any changes in the property since the first citation.

Officer Brown confirmed that he did have these photographs.

Chairman Chalfant asked Officer Brown to please share the photographs with the Board.

Officer Keith Brown presented photographs taken on 3/19/2009, 3/23/2009, 5/18/2009 and 5/26/2009. In each of the photograph very little has changed.

Town Manager John Giles stated that this is the first appeal hearing that the Board has heard. He described the Boards role in this appeal. He stated that they are to determine if the violation was corrected by the required date, if it was not was there a valid reason that it was not, and should the fine remain imposed based on that finding.

Chairman Chalfant asked Mr. Phillips if he understood what the violation was.

Mr. Phillips stated that he did understand what was in violation

Board Member James Personti asked if the yard was in code compliance as of May 26, 2009.

Officer Keith Brown responded that it was not.

**ACTION:** A motion was made by Board Member Smith to deny petition 09-03. The motion was seconded by Board Member Personti.

**VOTE:**

All in favor    Vote: 4-0 with 1 Absent    Motion Carried

**NEW BUSINESS:**

The Board of Adjustment Reviewed Petition 09-02 tax parcel number 1900-500-060 known as 500 New Road.

This Petition was Withdrawn no action will be taken.

The Board of Adjustment Reviewed Petition 09-05 tax parcel number 1900-500-057 known as 510 New Road.

The Applicant was not present at the meeting.

An unknown resident asked how long the board could table a petition before they had to make a decision regarding that petition.

The Board answered the question stated that there is no strict deadline for a petition.

**ACTION:** No official action was taken, This petition was not tabled, approved or denied.

**VOTE:**

No Vote was given

**APPROVAL OF MINUTES:**Minutes from the January 27, 2009 Board of Adjustment Meeting

**ACTION:** A motion was made by Board Member Smith to approve the minutes of the January 17, 2009 Board of Adjustments Meeting. The motion was seconded by Board Member Personti.

**VOTE:**

All in favor

Vote: 4-0 with 1 Absent

Motion Carried

Minutes from the April 28, 2009 Board of Adjustment Meeting

**ACTION:** A motion was made by Board Member Personti to approve the minutes of the April 28, 2009 Board of Adjustments Meeting. The motion was seconded by Board Member Manual.

**VOTE:**

All in favor

Vote: 4-0 with 1 Absent

Motion Carried

**ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:**

The Board has asked that copies of each petition be made available to the public during future meetings.

**PUBLIC COMMENT:**

None

**ADJOURNMENT:**

**ACTION:** A motion was made by Board Member Personti to adjourn. The motion was seconded by Board Member Smith.

**VOTE:**

All in favor

Vote: 4-0 with 1 Absent

Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the May 26, 2009 Board of Adjustment Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

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**PAUL CHALFANT, CHAIRMAN**

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**JAMES PERSONTI, SECTRARY**